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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,622	05/31/2001	Shunichi Nagamoto	2001_0688A	7182

513 7590 09/16/2005		EXAMINER
WENDEROTH, LIND & PONACK, L.L.P.		GOTTSCHALK, MARTIN A

ART UNIT	PAPER NUMBER
3626	

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DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/867,622	NAGAMOTO ET AL.
	Examiner	**Art Unit**	
	Martin A. Gottschalk	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/15/2001*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the present case, the abstract exceeds 150 words and repeats information

given in the title. Correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

A.   The claims are generally narrative and indefinite, failing to conform with current

U.S. practice. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors. For example, the

meaning of the phrase in claim 4 which recites "...wherein the center server has an

administrator terminal function..." is unclear; likewise claim 5 recites "...wherein the

center server is arranged for storing at least one *software content* to the patient

terminal..." which is unclear. Appropriate correction is required.

B.   As per claims 1 and 2, the phrase "such as" renders the claims (and all the

claims depending from them, i.e. claims 3-36) indefinite because it is unclear whether

the limitations following the phrase are part of the claimed invention. See MPEP

§ 2173.05(d). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Surwit

et al (US Pat# 6,024,699).

A.   As per claim 1, Surwit discloses a medical checkup network system comprising:

a patient terminal for measuring a predetermined biodata of each patient such as a blood pressure or a body temperature (Surwit: Fig. 2; col 8, lns 18-36);

a center server for storing the biodata measured by the patient terminal (Surwit: col 9, lns 23-27; Fig. 1, item 14); and

a doctor terminal through which medical staff can view the biodata stored in the center server to conduct a diagnosis (Surwit: col 9, lns 50-58; Fig. 1, item 16)

wherein the patient terminal, the doctor terminal, and the center server are connected with each other over a communication network (Surwit: col 9, lns 31-34; Fig. 1, item 17).

B.   As per claim 2, Surwit discloses a medical checkup network system comprising:

a doctor terminal for entering a predetermined medical support data such as an advice data or a schedule data to a patient (Surwit: col 11, lns 24-33; Fig. 1, item 16);

a center server for storing the medical support data entered through the doctor terminal (Surwit: col 11, lns 24-33; Fig. 1, item 14); and

a patient terminal for displaying the medical support data received from the

center server (Surwit: Fig. 2; col 8, lns 47-55),

wherein the patient terminal, the doctor terminal, and the center server are

connected with each other over a communication network (Surwit: col 9, lns 31-34; Fig.

1, item 17).

C.   As per claims 3 and 28, Surwit discloses the medical checkup network system

according to claim 1 and 2 respectively, wherein

the center server has an authorizing section for providing the patient, the patient

terminal, the medical staff or the doctor terminal registered in the center server with

access right to enter a data or access the data stored in the center server (Surwit: col

11, lns 34-57).

D.   As per claims 4 and 29, Surwit discloses the medical checkup network system

according to claims 1 and 2 respectively, wherein

the center server has an administrator terminal function for registering the user of

the system and inputting the various medical data in the center server (Surwit: col 9, lns

25-27 and 50-57).

E.   As per claims 5 and 30, Surwit discloses, the medical checkup network system

according to claims 1 and 2 respectively, wherein

the center server is arranged for storing at least one software content to the

patient terminal,

the doctor terminal or

the administrator terminal, and

each of the terminals downloads the software content from the center server to

use (Surwit: col 8, lns 47-55, i.e. "...internal software of a PPM is

configurable...via a PAC server," is read on by downloading software to the

patient terminal; see also col 11, lns 24-30. The Examiner considers providing

a PPM with illness specific software to be a form of downloading software to the

patient terminal.).

F.   As per claims 6 and 31, Surwit discloses the medical checkup network system

according to claims 5 and 30 respectively, wherein

the software content of the patient terminal includes a version data indicative of a

version of the software content, and the patient terminal compares the version data of

the software content in the terminal with a latest version data managed in the center

server upon communicating with the center server, and when the version data is older

than the update version data, systematically downloads the latest version of the

software content from the center server for version up (Surwit: col 8, lns 47-55, reads on

"...case manager can make adjustments...").

G.   As per claim 7, Surwit discloses the medical checkup network system according

to claim 2, wherein

the center server stores the advice data directed to a patient entered at the

doctor terminal (Surwit: col 9, lns 62-67),

the patient terminal has a section for detecting the reception of the advice data

(Surwit: Table 1, fifth and eighth items, "Allows two way communications..." and

"Receives messages...from PAC server," respectively), and

the doctor terminal has a section for communicating with the center server and

displaying whether or not the advice data is received by the patient terminal (Surwit: col

8, lns 7-9; Fig. 1, item 16; col 10, lns 4-8, reads on "tickler system"; col 13, lns 34-36).

H.   As per claims 8 and 32, Surwit discloses the medical checkup network system

according to claims 4 and 29 respectively wherein

the administrator terminal registers, to the center server, an access right for the

patient, the patient terminal, the doctor or the doctor terminal (Surwit: col 11, lns 34-57).

I.   As per claims 9 and 33, Surwit discloses the medical checkup network system

according to claims 4 and 29 respectively, wherein

the administrator terminal enters patient terminal data which is data related to the

patient terminal to be used by the patient (Surwit: col 11, lns 24-33).

J.   As per claims 10 and 34, Surwit discloses, the medical checkup network system

according to claims 9 and 33 respectively, wherein

the administrator terminal is arranged for executing at least one of procedures

comprising:

        a procedure of entering identification number which identifies the patient

terminal;

        a procedure of entering a name of a patient corresponding to the

identification number;

        a procedure of entering identification code corresponding to the patient

name;

        a procedure of entering at least one measurement (Surwit: Fig. 11; col 19,

lns 48-65) item corresponding to the patient name (Surwit: Fig. 10C, note the

field displaying "White, Doug", the patient's name); and

        a procedure of entering at least one name of instrument which senses

biodata corresponding to the measurement item.

K.   As per claim 11, Surwit discloses the medical checkup network system according

to claim 1, wherein

the doctor terminal has a biodata threshold setting section for setting a threshold

of the biodata for each patient (Surwit: col 16, lns 50-57), and

the center server has an alert section, the alert section receiving the threshold

determined by the doctor terminal and providing the doctor terminal with an alert when

the level of the biodata of the patient measured by the patient terminal exceeds the

threshold (Surwit: col 17, lns 58-67).

L.   As per claim 12, Surwit discloses the medical checkup network system according

to claim 1, wherein

the doctor terminal has a sensitivity setting section for determining a level of

sensitivity for receiving at the patient terminal a signal output from a sensor, the center

server has a section for receiving and storing the sensitivity level determined at the

doctor terminal, and the patient terminal has a section for communicating with the

center server to receive the sensitivity level and modifying the sensitivity of the sensor

based on the received sensitivity level (Surwit: col 16, lns 50-57).

M.   As per claims 13 and 35, Surwit discloses the medical checkup network system

according to claims 1 and 2 respectively, wherein

the patient terminal has an initial connection setting section for communicating

with the center server to execute a predetermined process upon being energized, and

the initial connection setting section is arranged for performing at least one of

automatically updating the software content,

receiving the medical support data including the schedule data and the

advice data (Surwit: col 8, lns 10-14), and

transmitting measurement data which is not transferred.

N.   As per claim 14, Surwit discloses the medical checkup network system according

to claim 1, wherein

the patient terminal has a communicating section for measuring at least one kind

of biodata to transmit the measured biodata to the center server (Surwit: Table 1),

the center server has a database for storing the biodata received from the patient

terminal (Surwit: col 9, lns 25-27), and

the doctor terminal has a biodata displaying section for communicating with the

center server and displaying the biodata stored in the database (Surwit: col 10, lns 22-

41).

O.   As per claims 15 and 17, Surwit discloses the medical checkup network system

according to claim 14, wherein

        the patient terminal includes a measurement interface connected with at least

one sensor for measuring the biodata (Surwit: col 7, lns 40-45),

        a biodata memory for storing the biodata measured by the sensor and received

through the measurement interface (Surwit: col 7, lns 51-53),

        a communicating section for transmitting the biodata stored in the biodata

memory and receiving the patient terminal data from the center server at the time of

installation in the patient's home (Surwit: col 7, lns 64-65; col 8, lns 7-17), and

        an instrument data memory for storing the identification number of each sensor

to discriminate the sensor instruments from each other (Surwit: col 5, lns 59-65. The

Examiner notes that the disclosed "computer-usable memory" could be used to store

identification numbers for monitoring equipment.).

P.   As per claim 16, Surwit discloses the medical checkup network system according

to claim 15, wherein the patient terminal performs

a procedure of connecting to the center server over the communication network

at the time of installation (Surwit: Table 1, item 7, "Downloads patient data to PAC

server..."),

a procedure of receiving over the communication network from the center server

patient terminal data which includes name of the patient corresponding to an

identification number of the patient terminal, identification code corresponding to the

patient name, measurement item corresponding to the patient name, instrument name

of the sensor corresponding to the measurement item and control data of the sensor,

and a procedure of storing the patient terminal data (Surwit: Table 1, last item,

"Receives messages...or other feedback from PAC server.").

Q.   As per claim 18, Surwit discloses the medical checkup network system according

to claim 17, wherein the patient terminal performs

a procedure of receiving,

        at the time of installation in the patient's home, from a detachable

recording medium, patient terminal data including at least one of

                name of the patient corresponding to identification number of the

        patient terminal,

                identification code corresponding to the patient name,

measurement item corresponding to the patient name,

instrument name of the health sensor corresponding to the

measurement item, and

control data of the sensor (Surwit: col 8, lns 55-63),

and

a procedure of storing the patient terminal data (Surwit: Fig. 2; col 8, lns 18-36).

R.   As per claim 19, Surwit discloses the medical checkup network system according

to claim 2, comprising

the doctor terminal for receiving and monitoring a schedule data of the health

care action for the patient, the center server for storing the schedule data received from

at least one doctor terminal, and the patient terminal for communicating with the center

server to provide the patient with the schedule data received from the center server

(Surwit: col 12, lns 30-55).

S.   As per claim 20, Surwit discloses the medical checkup network system according

to claim 19, wherein

the patient terminal has at least one of

a displaying section for displaying the patient name, the setting time and

the medical activities in the form of messages and images upon receiving the

schedule data, and a

sound generator for releasing a voice sound representing contents of the

patient name, the setting time and the medical activities (Surwit: col 3, lns 5-9;

col 9, lns 8-22; col 19, lns 13-16; Fig. 10A, item 46).

T.   As per claim 21, Surwit discloses the medical checkup network system according

to claim 19, wherein

the schedule data includes at least one of pairs including

a pair of the time and detail of dosage (Surwit: col 12, lns 35-43),

a pair of the time of visit on the patient and name of a visitor or medical

staff,

a pair of the time of reservation and detail of the medical treatment at the

medical facility, and

a pair of the time and item of measurement of the biodata.

V.   As per claim 22, Surwit discloses the medical checkup network system according

to claim 19, wherein

        the center server has a homepage builder for receiving the schedule data from

the doctor terminal and converting the schedule data into data in an HTML or XML

format, and a WEB server for storing the data related to the homepage (Surwit: col 9,

lns 23-42 and lns 50-56), and

        the patient terminal has a browser function for communicating with the center

server, receiving the schedule data in the HTML or XML format, and displaying the

schedule data (Surwit: col 9, lns 50-54, reads on "...TCP communications...").

W.   As per claim 23, Surwit discloses the medical checkup network system according

to claim 19, wherein

        the center server has a mail transmitting section for storing the schedule data

received from at least one doctor terminal and dispatching as an e-mail the medical

activities to be done by the patient at the timing determined by the schedule data , and

the patient terminal has a receiving section for receiving the e-mail from the center

server, and a displaying section for displaying details of the e-mail (Surwit: col 12, lns

30-55).

X.   As per claim 24, Surwit discloses the medical checkup network system according

to claim 19, wherein

the patient terminal has a response entering section for entering the result of the medical activities indicating whether or not the activities are performed according to the schedule data (Surwit: Table 1, items 3 and 7, "Collects data...", and "Downloads patient data..." respectively),

the center server has a database for communicating with the patient terminal, receiving the result of the medical activities from the patient terminal to store the result of activities (Surwit: col 9, lns 51-52), and

the doctor terminal has a section for communicating with the center server and receiving the result of the medical activities stored in the database to display the result (Surwit: col 11, lns 15-21).

Y.   As per claim 25, Surwit discloses the medical checkup network system according to claim 24, wherein

the response entering section in the patient terminal is implemented in an HTML or XML format over a browser (Surwit: col 9, lns 50-54, reads on "...TCP communications..."), and

the center server has a WEB server for communicating with the browser in the patient terminal to receive the result of the medical activities, and a database for storing the result of the medical activities received at the WEB server (Surwit: col 9, lns 37-42).

Z.   As per claim 26, Surwit discloses the medical checkup network system according

to claim 24, wherein

the patient terminal has a mail transmitting section for converting the result of the

medical activities into a text form data to transmit the converted data as an e-mail, and

the center server has an e-mail receiving section for receiving the e-mail from the

patient terminal, an analyzing section for extracting a text data from the e-mail to check

the result of the medical activities, and a database for storing the result of the medical

activities (Surwit: col 3, lns 55-61; col 12, lns 30-55).

AA.   As per claims 27 and 36, Surwit discloses the medical checkup network system

according to claims 23 and 26 respectively, wherein

the patient terminal comprises one of

a mobile phone (Surwit: col 9, lns 8-22),

a pager, and

a PDA which can transmit and receive the e-mails.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited but not applied prior art discloses a variety of systems

usable for remote patient management (US Pat# 5,307,263; 5,822,544; 6,421,650).

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Martin A. Gottschalk whose telephone number is (571)

272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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MG
08/31/2005

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